IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :12671 of 2006

Dated: 4th July 2006.

Between:

Sk.Abdul Wahab

..... PETITIONER

AND

The Deputy Transport Commissioner and Sectretary,
Regional Transport Authority, Nizamabad and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO :12671 of 2006

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The petitioner claims to be the owner of a Light Motor Vehicle (Jeep) bearing registration No. AP 15T 0702, registered as a Motor/Taxi Cab on rolls of the Deputy Transport Commissioner, And Secretary, Regional Tranport Authority, Nizamabad, i.e., the 1st respondent herein. The said vehicle of the petitioner was seized by the

2nd respondent on 22-05-2006, under a check report, wherein the 2nd respondent noticed various alleged irregularities, detailed as below:

> " Stopped and checked the above vehicle while proceeding from Bheemal to Kammarapalli and found the following:
> 1) Without RC – 30-06-2006, 2 without F.C.3. without PUC, 4. without IC and 5 without DL.
>
> Seized U/s 8 and 207 (2), Kept at P.S.Armoor."

Admittedly, the petitioner did not pay the tax from 1st January 2004 till the date of seizure. Hence, the writ petition, with the prayer as follows:

> " For the reasons stated in the accompanying affidavit the petitioner

herein pray that this Hon'ble court may be pleased to issue a writ, order or direction more particularly one in thenature of writ of Mandamus declaring the seizure and continued detention of petitioner's vehicle L.M.V. – Motor Cab (Jeep) bearing R.No.AP 15 T 0702 seized under vehicle check report No.0255038, dt. 22-5-2006 by the 2nd respondent as arbitrary, illegal, unjust, unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioner's vehicle L.M.V. – Motor Cab (Jeep) bearing R.No.AP 15 T 0702, to the petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard the learned Government Pleader for Transport.

In the circumstances, we are of the opinion that the present writ petition can be disposed of by directing the respondents to complete the enquiry regarding the alleged violations indicated in the check report, expeditiously, preferably within a period of four weeks from the date of receipt of a copy of the order. Pending such an enquiry, we also direct the respondents to release the vehicle of the petitioner bearing registration No. AP 15T 0702, on condition that the petitioner pays

the entire amount of arrears of tax determined by the 1st respondent, within one week from today and also deposits an equal amount, pending decision in the enquiry by the Enquiry Officer. The later amount shall either appropriated or refunded to the petitioner depending upon the out come of the enquiry.

The writ petition is disposed of to the above effect, at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

Note:
Issue CC in two days.
(bo)
mrk
4th July 2006